

ORDINANCE NO. 20200729-002

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-10, RELATING TO WASTEWATER REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (B) of Section 15-10-11 (*Definitions*) of the City Code is amended to delete definition (20) (“Excess Wastewater”), add a new definition (54) (“Process Wastewater”), renumber subsequent definitions, and amend certain definitions to read as follows:

(B) In this chapter:

(2) APPROVAL AUTHORITY means the ~~[Regional Administrator of the EPA or the director in a national pollutant discharge elimination system delegated state with an approved state pretreatment program.]~~ Executive Director of the Texas Commission on Environmental Quality.

(4) AUTHORIZED REPRESENTATIVE means the person who may act on behalf of a ~~[person discharging wastewater to the POTW]~~ user.

(a) If the user is a corporation, the authorized representative must be:

~~[(a)]~~i)the officer of the corporation in charge of a principal business function, or another person who performs similar policy or decision making functions; or~~[-]~~

~~[(b)]~~ii)~~[the properly authorized manager of one or more manufacturing, production, or operation facilities with more than 250 employees or gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars).]~~the manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized: to make management decisions governing the operation of the regulated facility, including making major capital

investment recommendations; to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; to establish necessary systems or take actions to gather complete and accurate information for control mechanism requirements; and to sign documents on behalf of the corporation.

- (b) If the user is a partnership or sole proprietorship, the authorized representative must be a general partner or the proprietor, respectively.
- (c) If the user is a federal, state, or local government facility, the authorized representative must be a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) A representative who meets the requirements of Paragraphs (a), (b) or (c) of this subsection may designate another person as a duly authorized representative if the designation is in writing and in a form acceptable to the director, provided the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company.

(5) ~~BEST MANAGEMENT [PRACTICE means a schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the amount of pollution discharged to the POTW, including:~~

- ~~(a) — a treatment requirement;~~
- ~~(b) — an operating procedure; and~~
- ~~(c) — a practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.]~~PRACTICES or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to achieve

compliance with Sections 15-10-21 (*General Prohibition Against Discharge*) and 15-10-24 (*Discharge of Contaminated Drainage or Ground Water*). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

- (19) DRAINAGE WATER means storm water; surface water; ground water; roof run-off water; drainage from downspouts; water from yard drains; water from fountains and ponds; water from lawn sprays, rainwater leaders, and areaways; and overflows from cisterns and water tanks~~[- swimming pool water; and swimming pool filter backwash water].~~
- ~~([33]~~32) INDUSTRIAL WASTE means liquid waste and a waterborne liquid, gaseous, or solid substance, ~~[excluding sewage discharged from sanitary conveniences that is not commingled with wastewater containing industrial waste,]~~ discharged or disposed of from an industrial, manufacturing, trade or commercial establishment, including a nonprofit organization, governmental agency or business activity.
- ~~([34]~~33) INSTANTANEOUS~~[MAXIMUM ALLOWABLE]~~ LIMIT means the maximum concentration or loading of an allowable pollutant, determined from the analysis of a discrete or composite sample collected independent of the industrial flow rate and the duration of a sampling event.
- (54) PROCESS WASTEWATER means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PART 2. Section 15-10-22 (*Specifically Prohibited Pollutants*) of the City Code is amended to read:

§ 15-10-22 SPECIFICALLY PROHIBITED POLLUTANTS.

Except as authorized by this chapter, a person may not discharge to the POTW the following:

- (1) other waste, as defined in this chapter;
- (2) a flammable or explosive liquid, solid, or gas, and similar substance that could create a fire or explosive hazard in the collection system or the POTW, including a waste stream with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), tested in accordance with 40 CFR 261.21;
- (3) a pollutant regulated under a categorical pretreatment standard promulgated by EPA in a concentration or amount exceeding allowable limits;
- (4) a substance causing heat in the POTW at a temperature of 120 degrees Fahrenheit (48.9 degrees Centigrade) or higher, or at a temperature that inhibits biological activity in the POTW if the discharge causes interference, or an increase in the temperature of the influent to a treatment plant to 104 degrees Fahrenheit (40 degrees Centigrade) or higher;
- (5) garbage other than comminuted garbage;
- (6) wastewater containing a noxious or malodorous liquid, gas, solid, or substance that, independently or interactively creates a public nuisance, or hazard to public health and safety, or prevents entry into the sanitary sewer for maintenance or repair;
- (7) a pollutant that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity or concentration that creates a danger to public health or safety;
- (8) an acid, alkali, or substance with a pH value lower than 6.0 or higher than 11.5 standard units, or that corrodes or damages the POTW;
- (9) petroleum oil, non-biodegradable cutting oil, or a product of mineral oil origin in an amount that causes interference or pass through;
- (10) waste containing a prohibited pollutant trucked or hauled from its point of origin, except as approved by the director;

- (11) waste removed from a pretreatment facility or private sewage facility, except at discharge points designated by the director;
- (12) phenol or a similar substance in concentrations that produce odor or taste in the POTW's receiving waters, if the receiving waters are used as drinking water;
- (13) wastewater containing radioactive materials in concentrations greater than allowed by current regulations of the Texas Department of Health or other agency of competent jurisdiction;
- (14) a solid or viscous pollutant in a quantity or concentration that could obstruct the flow in the POTW or result in a sanitary sewer overflow or interference;
- (15) a pollutant or oxygen demanding pollutant discharged at a flow rate or concentration that could interfere with the POTW, or is not treatable;
- (16) a pollutant, dye water, vegetable tanning solution, whole blood, or a substance that causes untreatable color in the POTW effluent;
- (17) medical wastes, except as authorized by permit;
- (18) sludge, screenings or other residues from the pretreatment of industrial waste or other prohibited waste, except as authorized by the director;
- (19) wastewater containing pollutants that cause the POTW effluent to fail a toxicity test;
- (20) waste containing detergent, a surface active agent, or a substance that could cause excessive foaming in the POTW or its effluent;
- (21) wastewater causing a single meter reading of more than ten percent of the lower explosive limit on an explosion hazard meter;
- (22) antifreeze or a coolant solution used in a vehicle or motorized equipment;
- (23) an enzyme, chemical, or other agent that allows fat, oil, grease or a solid to pass through a pretreatment facility;
- (24) drainage water;

- (25) ground water;~~[and]~~
- (26) drainage water or ground water contaminated by a prohibited pollutant~~[-, except as specifically authorized in this chapter]; or~~
- (27) swimming pool water or swimming pool filter backwash water.

PART 3. Section 15-10-23 (*Limit on Discharge of Fat, Oil or Grease*) of the City Code is amended to read:

§ 15-10-23 LIMIT ON DISCHARGE OF FAT, OIL OR GREASE.

~~[(A)]~~ Except as authorized by this chapter, a person may not discharge fat, oil, grease, or similar material to the POTW in excess of an instantaneous ~~[maximum allowable]~~ limit of 200 milligrams per liter.

~~[(B)]~~ ~~If necessary to protect the POTW or sanitary sewer, the director may issue a permit, order, or rule that assigns the limits on discharge of fat, oil, grease, or a similar substance as:~~

- ~~(1) — instantaneous maximum allowable limits;~~
- ~~(2) — daily average limits;~~
- ~~(3) — daily maximum limits;~~
- ~~(4) — monthly average limits; or~~
- ~~(5) — limits of other sampling duration or averaging period.]~~

PART 4. The City Code is amended to add a new Section 15-10-28 to read:

§ 15-10-28 DISCHARGE OF SWIMMING POOL WATER.

A person may not discharge swimming pool water or swimming pool filter backwash water unless:

- (1) the person discharging the swimming pool water or swimming pool filter backwash water:

- (a) applies for and receives a discharge permit or other written authorization to discharge;
 - (b) takes all reasonable measures to determine and use an appropriate discharge flow rate so that the hydraulic carrying capacities of the private and public sewer lines or pipes conveying the wastewater are not exceeded; and
 - (c) takes all reasonable measures to prevent the discharge of soil, sediment, rock, debris or other solid material that may cause an impediment to flow in the private or public sector lines; and
- (2) the director:
 - (a) assesses the characteristics, volume and concentrations of pollutants;
 - (b) determines that discharge to the POTW is an appropriate disposal method; and
 - (c) issues a discharge permit or other written authorization to discharge under this chapter.

PART 5. The City Code is amended to add a new Section 15-10-29 to read:

§ 15-10-29 LIMIT ON DISCHARGE OF TOTAL CYANIDE.

A person may not discharge or allow the discharge to the POTW of wastewater containing total cyanide in a concentration, solution, or suspension that exceeds 1.0 milligrams per liter.

PART 6. The City Code is amended to add a new Section 15-10-30 to read:

§ 15-10-30 TOTAL TOXIC ORGANICS.

A person may not discharge or allow the discharge of wastewater containing total toxic organics to the POTW in excess of an instantaneous limit of 2.0 milligrams per liter.

PART 7. Section 15-10-42 (*Exceptions to Categorical Pretreatment Standards*) of the City Code is amended to read:

§ 15-10-42 EXCEPTIONS TO CATEGORICAL PRETREATMENT STANDARDS.

- (A) ~~[The director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e) if a pretreatment standard is expressed only in terms of either pollutant mass or concentration in wastewater.]~~Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with Subsections 15-10-42(F) and 15-10-42(G).
- (B) ~~[The director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.]~~When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- ~~([B])~~(C) The director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e) if wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard.
- ~~([C])~~(D) The director may grant a variance to a person subject to a categorical pretreatment standard if the person proves under 40 CFR 403.13 that factors relating to the person's discharge are fundamentally different from the factors considered by EPA in developing the categorical pretreatment standard.
- ~~([D])~~(E) The director may grant an adjustment to a person subject to a categorical pretreatment standard under 40 CFR 403.15.
- (F) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the

director convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the director. The director may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Paragraphs 15-10-42(F)(1)(a) through 15-10-42(F)(1)(e) below.

(1) To be eligible for equivalent mass limits, the industrial user must:

- (a) employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- (b) currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
- (c) provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- (d) not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- (e) have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(2) An industrial user subject to equivalent mass limits must:

- (a) maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

- (b) continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (c) continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Paragraph 15-10-42(F)(1)(c). Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (d) continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Paragraph 15-10-42(F)(1)(a) so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the director:
 - (a) will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process or processes of the industrial user by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
 - (b) upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (c) may retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section

15-10-25 (*Dilution Prohibited*). The industrial user must also be in compliance with Section 15-10-27 (*Bypass*) regarding the prohibition of bypass.

- (G) The director may convert the mass limits of the categorical pretreatment standards in 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the director.
- (H) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (I) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (J) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the director within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

PART 8. Section 15-10-44 (*Local Limits*) of the City Code is amended to read:

§ 15-10-44 LOCAL LIMITS.

A person shall not discharge or allow the discharge to the POTW of wastewater containing the following individually identified specific pollutants in concentrations, solution, or suspension that exceed the following limits:

Pollutant	Milligrams per Liter
(1) Arsenic, Total (T)	0.2
(2) Cadmium (T)	[0.4]0.35
(3) Chromium (T)	2.4
(4) Copper (T)	1.1
[(5) Cyanide (T)]	1.0]
[(6)]5) Fluoride (T)	65.0
[(7)]6) Lead (T)	0.4
[(8)]7) Manganese (T)	6.1
[(9)]8) Mercury (T)	0.002
[(10)]9) Molybdenum (T)	1.1
[(11)]10) Nickel (T)	1.6
[(12)]11) Selenium (T)	1.8
[(13)]12) Silver (T)	1.0
[(14)]13) Zinc (T)	2.3

PART 9. Section 15-10-45 (*Total Toxic Organics*) of the City Code is repealed.

PART 10. Section 15-10-46 (*Compliance Determination; Assignment of Limits*) of the City Code is renumbered and amended to read:

§ 15-10-45[6] COMPLIANCE DETERMINATION; ASSIGNMENT OF LIMITS.

(A) The director may determine compliance with the local limits, the total cyanide limit, or the total toxic organics limit based on the analysis of:

- (1) a grab sample; or
- (2) a combination of grab samples, time composite samples, or flow composite samples.

- (B) If necessary to protect the POTW or sanitary sewer, the director may issue a permit, order, or rule that assigns the local limits ~~[or]~~, the total cyanide limit, the total toxic organics limit, or the limitation on the discharge of fat, oil, grease or similar material as:
- (1) instantaneous ~~[maximum allowable]~~ limits;
 - (2) daily average limits;
 - (3) daily maximum limits;
 - (4) monthly average limits; ~~[or]~~
 - (5) limits of other sampling duration or averaging period; or
 - (6) mass limits in accordance with Section 15-10-47 (*Assignment of Equivalent Mass Limits for Local Limits, Total Cyanide, Total Toxic Organics or Fat, Oil or Grease*).

PART 11. The City Code is amended to add a new Section 15-10-47 to read:

§ 15-10-47 ASSIGNMENT OF EQUIVALENT MASS LIMITS FOR LOCAL LIMITS, TOTAL CYANIDE, TOTAL TOXIC ORGANICS OR FAT, OIL OR GREASE

- (A) The director may impose mass limitations instead of the concentration limits in Sections 15-10-23 (*Limit on Discharge, Fat, Oil or Grease*), 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-10-30 (*Total Toxic Organics*), or 15-10-44 (*Local Limits*) on an industrial user to prevent or discourage the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is deemed appropriate by the director. A mass local limit imposed on an industrial user under these circumstances is intended to be equivalent to, or more restrictive than, the concentration based limit in Sections 15-10-23 (*Limit on Discharge, Fat, Oil or Grease*), 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-10-30 (*Total Toxic Organics*), and 15-10-44 (*Local Limits*).
- (B) An industrial user may request that the director convert the concentration limits to equivalent mass local limits based on

substantial water conservation by the user. The determination to convert concentration limits to mass local limits for a qualifying industrial user is at the discretion of the director. Industrial users that meet all the conditions set forth in Subdivisions 15-10-47(B)(1) through 15-10-47(B)(5) below could qualify for mass limits.

- (1) To be eligible for equivalent mass limits for concentration based limits under these circumstances, the industrial user must:
 - (a) employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (b) currently use control and treatment technologies adequate to achieve compliance with applicable pretreatment standard, and not have used dilution as a substitute for treatment;
 - (c) provide sufficient information to establish the facility's flow rates, based on data from flow monitoring devices or verifiable estimates, as well as the facility's long-term average production rate. Both the average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (d) not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - (e) have consistently complied with the applicable pretreatment standard during the period prior to the industrial user's request for the equivalent mass limit specified.
- (2) An industrial user subject to equivalent mass limits must:

- (a) maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (b) continue to record the facility's flow rates through the use of a flow monitoring device or verifiable estimate approved by the director;
 - (c) continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than 20 percent from its baseline production rates, determined in Paragraph 15-10-47(B)(1)(c) of this subdivision. Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (d) continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Paragraph 15-10-47(B)(1)(a) of this subdivision, so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the director:
- (a) will calculate the equivalent mass limit by multiplying the average daily flow rate of the industrial user by the applicable concentration-based limit and the appropriate unit conversion factor;
 - (b) upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (c) may retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the average

daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 15-10-25 (*Dilution Prohibited*). The industrial user must also be in compliance with Section 15-10-27 (*Bypass*) regarding the prohibition of bypass.

- (d) The director will not assign a mass limit for a local limit that exceeds the mass allocated to the industrial user when the local limit for the pollutant was last calculated. The director will verify that any mass limit assigned will not permit pollutant discharges above the maximum allowable influent loading for the POTW that receives the waste.
- (C) Once included in its permit, the industrial user must comply with the equivalent mass limits developed in this section in lieu of the concentration limits in Sections 15-10-23 (*Limit on Discharge of Fat, Oil or Grease*), 15-10-29 (*Limit on Discharge of Total Cyanide*), 15-10-30 (*Total Toxic Organics*), or 15-10-44 (*Local Limits*) from which the mass limits were derived.

PART 12. Subsection (A) of Section 15-10-53 (*Permit Required*) of the City Code is amended to read:

- (A) A person must obtain a permit from the director before discharging wastewater containing industrial waste or other prohibited waste to the POTW.

PART 13. Subsection (C) of Section 15-10-58 (*Slug Control Plan*) of the City Code is amended to read:

§ 15-10-58 SLUG CONTROL PLAN.

- (C) [~~At least every two years, the~~]The director shall determine if a significant industrial user has sufficient systems and procedures to prevent slug discharges. This determination shall be documented and the results of the determination shall be available to the approval authority upon request. The director shall require a significant industrial user to develop and implement a slug control plan under this article if the director finds a risk to the POTW exists.

PART 14. Section 15-10-61 (*Mass Limitations on Pollutants*) of the City Code is amended to read:

§ 15-10-61 [MASS LIMITATIONS ON POLLUTANTS] AUTHORITY TO ASSIGN OTHER LIMITS.

~~[The director may]~~ If necessary to protect the POTW or sanitary sewer or to prevent interference or pass through, the director may issue a permit, order, or rule that assigns or imposes limits on the mass or concentration of any pollutant discharge. ~~[, s if necessary to:~~

- ~~(1) — protect the POTW; or~~
- ~~(2) — prevent prohibited dilution of pollutants even if no technically based local limit has been developed for the pollutant.]~~

PART 15. Section 15-10-91 (*Discharge Permit Required*) of the City Code is amended to read:

§ 15-10-91 DISCHARGE PERMIT REQUIRED

A person may not deposit or discharge wastewater containing industrial waste or other prohibited waste to the POTW without a permit.

PART 16. Subsection (B) of Section 15-10-92 (*Application Requirements*) of the City Code is amended to read:

- (B) An application for a permit under this chapter must include:
- (1) name, title, address, and telephone number of the authorized representative for the applicant;
 - (2) description or address of the location;
 - (3) description of the activity and process conducted at the location;
 - (4) description of the facility at the location;
 - (5) nature and characteristics of the proposed discharge;

- (6) a list of raw materials and chemicals used or stored at the location that may be discharged to the POTW, intentionally or accidentally;
- (7) type, amount, process, and rate of product produced;
- (8) type and amount of raw materials processed, including the daily average and daily maximum;
- (9) a copy of the site, floor, mechanical, and plumbing plans that show sewers, floor drains, and pretreatment facilities by size, location, elevation, and points of origin; ~~and~~
- (10) time and duration of discharge; and
- (11) the location for monitoring all wastes to be covered by the permit.

PART 17. Section 15-10-93 (*Transfer of Existing Permit*) is amended to read:

§ 15-10-93 TRANSFER OF EXISTING PERMIT.

- (A) [~~A person assuming ownership, occupancy, or management of a premises covered by an existing permit shall apply for a transfer of the existing permit no later than the 30th day before the proposed transfer.~~] The director may transfer a wastewater discharge permit to a new owner or operator of a wastewater discharge facility only if the permittee gives advance notice to the director and the director approves the wastewater discharge permit transfer. The notice must include written certification by the new owner or operator that:
 - (1) states that the new owner or operator has no immediate intent to change the facility's operations and processes;
 - (2) identifies the specific date on which the transfer is to occur; and
 - (3) acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
- (B) [~~The director may transfer an existing permit if:~~
 - (1) ~~the new owner, occupant or manager:~~

- ~~(a) — complies with the application requirements of this section; and~~
 - ~~(b) — pays the permit transfer fee; and~~
 - ~~(2) — the discharge from the permitted premises complies with the requirements of this chapter at the time of the transfer.] Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.~~
- (C) [A person assuming ownership, occupancy, or management of a currently permitted premises shall file an application for a transfer of the permit with the director on the form provided by the director and pay a permit transfer fee.] The director may approve the transfer of an existing permit if:
 - (1) the new owner, occupant or manager complies with the notice requirements of this section; and
 - (2) the discharge from the permitted premises complies with the requirements of this chapter at the time of the transfer.
- (D) [An application for transfer of an existing permit must include:
 - ~~(1) — name, title, address, and telephone number of the authorized representative for the applicant;~~
 - ~~(2) — description or address of the location;~~
 - ~~(3) — description of the activity and the process conducted at the location;~~
 - ~~(4) — description of the facility at the location;~~
 - ~~(5) — nature and characteristics of the proposed discharge;~~
 - ~~(6) — a list of raw materials and chemicals used or stored at the location that may be discharged to the POTW, intentionally or accidentally;~~
 - ~~(7) — type, amount, process, and rate of product produced;~~

- ~~(8) — type and amount of raw materials processed, including the daily average and daily maximum;~~
- ~~(9) — a copy of the site, floor, mechanical, and plumbing plans that show sewers, floor drains, and pretreatment facilities by size, location, elevation, and points of origin; and~~
- ~~(10) — time and duration of discharge.~~
- ~~(E) — A person assuming ownership, occupancy or management of a premises covered by an existing permit shall certify that there has been no material change in:~~
 - ~~(1) — the equipment, facility or process used on the permitted premises; or~~
 - ~~(2) — the character, quantity, rate of flow, or other characteristics of the discharge.]~~
- ~~[(F)] The director may waive the [permit] notice and prior approval requirement for the transfer of a permit issued to a user that is not a significant industrial user.~~

PART 18. Section 15-10-94 (*Updated Designation of Authorized Representative*) of the City Code is amended to read:

§ 15-10-94 UPDATED DESIGNATION OF AUTHORIZED REPRESENTATIVE.

- ~~[(A) — A person holding a permit shall send written notification to the director identifying the authorized representative:~~
 - ~~(1) — annually;~~
 - ~~(2) — upon appointment of a different authorized representative;~~
 - ~~(3) — as otherwise required by the director.~~
- ~~(B) — A person shall designate in writing an authorized representative and submit the name to the director.~~
- ~~(C) — An authorized representative under this section must be either:~~

(1) ~~an individual; or~~

(2) ~~for a significant industrial user, a position having responsibility for the overall operation of the facility from which a discharge originates, or environmental matters.~~

(D) ~~If a change in personnel or policy requires a change to the authorized representative designation, a new designation under this section must be submitted to the director before or with a report required to be signed by an authorized representative.]~~

If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written designation satisfying the requirements of this chapter must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

PART 19. Section 15-10-98 (*Exceptions to Permit Requirement*) of the City Code is amended to read:

§ 15-10-98 EXCEPTIONS TO PERMIT REQUIREMENT.

A person that does not discharge wastewater that contains industrial waste or other prohibited waste is not required to obtain a permit. The following may be exempt from the requirement to obtain a permit [for the following premises]:

(1) a single family residence;

(2) a residential duplex; or

(3) ~~[a location that only discharges sewage.]~~ other locations where the director has:

(a) determined that the discharge will not harm the POTW, public health, or property;

(b) determined that the discharge is not subject to federal, state, or local pretreatment requirements; and

(c) determined that the discharge would not require any pretreatment, management practices, or other control strategies

to comply with all discharge limitations or pretreatment standards.

PART 20. Section 15-10-101 (*Additional Conditions*) of the City Code is amended to read:

§ 15-10-101 ADDITIONAL CONDITIONS.

The director may impose additional or more stringent conditions in a permit as necessary to:

- (1) prevent pass through or interference;
- (2) protect the water quality of the POTW's receiving waters;
- (3) protect public health and safety;
- (4) facilitate proper sludge management and disposal;
- (5) protect the POTW against damage;
- (6) require self-monitoring, reporting and record keeping by a person discharging wastewater to the POTW;
- (7) provide access to a permitted facility to allow inspection, sampling, or enforcement activities under this chapter;
- (8) minimize wastewater treatment process expense;
- (9) ensure POTW compliance with the NPDES or TPDES permits;
- (10) protect ambient air quality; ~~and~~
- (11) implement federal, state, and local pretreatment regulations; and
- (12) incorporate requirements to control slug discharges, if determined by the director to be necessary.

PART 21. Section 15-10-102 (*Permit Modification*) of the City Code is amended to read:

§ 15-10-102 PERMIT MODIFICATION.

The director may modify a permit to:

- (1) incorporate a new or revised federal, state, or local pretreatment standard or requirement;
- (2) regulate an alteration or addition to a person's operation, process or wastewater volume or character of discharge;
- (3) temporarily or permanently reduce or eliminate a previously authorized discharge to implement a change in the POTW or sanitary sewer system;
- (4) respond to a threat to the POTW, sanitary sewer, receiving waters, treatment plant, or public health and safety caused by a discharge;
- (5) correct, abate, or prevent a recurrence of a violation of a term or condition of a permit;
- (6) respond to a misrepresentation or failure to fully disclose relevant facts in a permit application or a required report;
- (7) revise or grant a variance from categorical pretreatment standards;
- (8) correct a typographical, clerical or other ministerial error in the permit; ~~or~~
- (9) reflect a transfer of a permitted facility to a new owner, occupant or manager; or
- (10) incorporate any revised conditions, standards or requirements as consistent with the purposes of this chapter.

PART 22. Section 15-10-111 (*Significant Industrial Users*) of the City Code is amended to read:

§ 15-10-111 SIGNIFICANT INDUSTRIAL USERS.

- (A) In addition to the other requirements in this chapter, a permit issued to a significant industrial user must include:
 - (1) a statement identifying:
 - (a) the person holding the permit;

- (b) the premises from which the permitted discharge will be emitted; and
 - (c) the nature, characteristics, conditions, and limitations to the permitted discharge;
- (2) the period during which the permit is effective;
- (3) a statement that the permit is non-transferable without the director's approval;
- (4) a requirement that the person holding the permit must provide a new owner, operator, or manager of a permitted premises with a copy of the permit;
- (5) effluent limits, including best management practices, based on federal, state, and local regulation;
- (6) requirements for:
 - (a) pretreatment;
 - (b) self-monitoring;
 - (c) sampling;
 - (d) reporting;
 - (e) notification; ~~and~~
 - (f) record keeping [~~requirements, including identification of:~~
 - ~~(i) pollutants to be monitored;~~
 - ~~(ii) sampling locations;~~
 - ~~(iii) sampling frequency; and~~
 - ~~(iv) sample type];~~
 - (g) submitting a compliance schedule consistent with federal, state, and local regulation, if applicable; and

(h) controlling slug discharges, if determined by the director to be necessary.

(7) identification of:

(a) pollutants to be monitored;

(b) sampling locations;

(c) sampling frequency; and

(d) sample type; and

~~([g]8)~~ a statement of the civil, criminal, and administrative penalties for a violation of pretreatment standards, or other requirements of this chapter~~[- and~~

~~[(h) an applicable compliance schedule consistent with federal, state, and local regulation].~~

(B) To protect the POTW, the director may require that a permit issued to a significant industrial user include:

(1) a limit on:

(a) the average or maximum rate of discharge; or

(b) time of discharge;

(2) flow regulation and equalization requirements;

(3) a limit on the instantaneous daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

(4) requirements for:

(a) the installation of pretreatment and monitoring technology;

(b) the installation of pollution controls; or

- (c) construction of an appropriate containment device designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 - (5) ~~[development and implementation requirements for a slug control plan, including management practices necessary to adequately prevent accidental or unanticipated discharges;~~
 - 6] development and implementation requirements for a waste minimization plan to reduce the amount of pollutants discharged to the POTW;
 - ([7]6) a statement of the management and treatment unit charge or schedule of charges and fees for wastewater discharged to the POTW;
 - ([8]7) installation and maintenance requirements for inspection and sampling facilities and equipment; or
 - ([9]8) a statement that the permit is subject to modification by the director in accordance with this chapter.
- (C) The director may make a determination under 40 CFR 403.8(f)(6) that a person is not a significant industrial user if a person otherwise classified as a significant industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.
- (D) The director may designate a significant industrial user as a non-significant categorical industrial user if the director determines that the industrial user has never discharged more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - (1) the industrial user, prior to the director's designation, has demonstrated consistent compliance with all applicable categorical pretreatment standards and requirements;
 - (2) the industrial user submits at least once per calendar year the certification statement required in Section 15-10-167 (*Periodic Certification by Non-Significant Categorical Industrial Users*),

together with any additional information necessary to support the certification statement; and

(3) the industrial user never discharges any untreated concentrated wastewater.

(E) Significant industrial users are required to notify the director immediately of any changes at a facility affecting the potential for a slug discharge.

PART 23. Section 15-10-121 (*Surcharge for Extra Strength Wastewater*) of the City Code is amended to read:

§ 15-10-121 SURCHARGE FOR EXTRA STRENGTH WASTEWATER.

- (A) A person discharging to the POTW either extra strength wastewater or wastewater containing other pollutants for which unit charges have been developed in accordance with Subsection (M) of this section ~~to the POTW~~ shall pay a monthly surcharge in addition to a usual monthly sewer service charge.
- (B) ~~[The]~~ Except as provided in Subsection (M) of this section, the director shall calculate the surcharge under this section using cost factors based on the capital and operating cost of wastewater facilities necessary to treat extra strength wastewater to reduce excessive biochemical oxygen demand, chemical oxygen demand, and suspended solids.
- (C) Except as provided in Subsection (M) of this section, the director shall compute the surcharge based on either the chemical oxygen demand or the biochemical oxygen demand category formulas set out in this section.
- (D) Abbreviations and numeric values in this section mean:
- (1) S: surcharge in dollars that will appear on the customer's monthly bills;
 - (2) V: wastewater billed in millions of gallons during the billing period;

- (3) 8.34: pounds per gallon of water;
 - (4) A: unit charge in dollars per pound of biochemical oxygen demand;
 - (5) BOD: biochemical oxygen demand strength in milligrams per liter by weight;
 - (6) 200 in the biochemical oxygen demand calculation in the biochemical oxygen demand formula means normal biochemical oxygen demand strength in milligrams per liter by weight;
 - (7) B: unit charge in dollars per pound for suspended solids;
 - (8) SS: suspended solids concentration in milligrams per liter by weight;
 - (9) 200 in the suspended solids calculation in the biochemical oxygen demand and chemical oxygen demand formulas means normal suspended solids concentration in milligrams per liter by weight;
 - (10) C: unit charge in dollars per pound for chemical oxygen demand;
 - (11) COD: chemical oxygen demand strength in milligrams per liter by weight; and
 - (12) 450: Normal chemical oxygen demand strength in milligrams per liter by weight.
- (E) The director shall use the following biochemical oxygen demand category formula to derive a surcharge for extra strength wastewater having a chemical oxygen demand concentration of less than 2.25 times that of the biochemical oxygen demand concentration: $S = V \times 8.34 (A [BOD - 200] + B [SS - 200])$.
- (F) The director shall use the following chemical oxygen demand category formula to derive a surcharge for extra strength wastewater having a chemical oxygen demand concentration of 2.25 or more times that of the biochemical oxygen demand concentration: $S = V \times 8.34 (C [COD - 450] + B [SS - 200])$.

- (G) ~~[The]~~ Except as provided in Subsection (M) of this section, the director may not assess a surcharge for one or more categories if the strength or concentration for biochemical oxygen demand, suspended solids or chemical oxygen demand is lower than or equal to the normal strength wastewater for that category.
- (H) The director may periodically reevaluate a unit charge based on flow rate, biochemical oxygen demand, chemical oxygen demand, and suspended solids and adjust a surcharge to reflect an increase or decrease in wastewater treatment and other applicable costs.
- (I) The director may assess a surcharge against a person who discharges extra strength wastewater to the POTW based on the person's site-specific wastewater discharge quality and quantity data, or a surcharge classification system.
- (J) A person discharging wastewater to the POTW must notify the director of major changes in operation that may affect the quantity or quality of wastewater discharged. If the person does not notify the director of a change that results in a lower surcharge, the director shall base the surcharge on the data available to the director at the time the surcharge is billed.
- (K) A person who discharges waste with a concentration of one or more categories of biochemical oxygen demand, chemical oxygen demand or suspended solids lower than or equal to normal strength wastewater is not entitled to credit for the total surcharge assessed by the director.
- (L) The director may periodically reevaluate flow rate, biochemical oxygen demand, chemical oxygen demand or suspended solids data based on site-specific discharge data or a classification system and adjust a specific user's surcharge to reflect any change in the discharge.
- (M) The director may develop other unit charges and calculate a surcharge for wastewater using flow rates and strengths or concentrations for other pollutants discharged to recover wastewater treatment and other applicable costs as deemed necessary and appropriate.
- (N) Payment of any surcharge under this section does not constitute a waiver of any of the prohibited discharge standards in this chapter, nor

does it relieve any person from the obligation to meet all pretreatment requirements in this chapter.

PART 24. Section 15-10-153 (*Baseline Monitoring Report from Existing Categorical User*) of the City Code is amended to read:

§ 15-10-153 BASELINE MONITORING REPORT FROM EXISTING CATEGORICAL USER.

No later than the 180th day after the effective date of a categorical pretreatment standard or the date of the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), existing categorical users currently discharging or scheduled to discharge to the POTW, shall submit a report to the director in compliance with the requirements of Section 15-10-155 (~~[Information Required From a Person Subject to Categorical Pretreatment Standards]~~ *Information Required for Significant Industrial User Reports*) conforming to the required methodologies of Section 15-10-182 (*Required Sample Collection Techniques*).

PART 25. Section 15-10-154 (*Baseline Monitoring Report from New Source Categorical User*) of the City Code is amended to read:

§ 15-10-154 BASELINE MONITORING REPORT FROM NEW SOURCE CATEGORICAL USER.

- (A) No later than the 90th day before beginning discharge, a new source user or a source that becomes a significant industrial user after the promulgation of a categorical pretreatment standard must submit a report to the director [~~in compliance~~]. Except as provided in Subsections (B) and (C) of this section, the report and sample collection techniques must comply with the requirements of Section 15-10-155 (~~[Information Required from a Person Subject to Categorical Pretreatment Standards]~~ *Information Required for Significant Industrial User Reports*) [~~together with a report describing the pretreatment method the user intends to use to meet applicable pretreatment standards~~] and Section 15-10-182 (*Required Sample Collection Techniques*).
- (B) New source users shall give estimates of [~~information showing:~~]

~~[(1)]~~ the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and ~~[other wastewater sufficient to allow calculation of]~~ streams as necessary to allow use of the combined waste stream formula set out in 40 CFR Section 403.6(e)[;].

~~[(2)]—measurement of pollutants;~~

~~[(3)]—identification of the categorical pretreatment standards applicable to the regulated process; and~~

~~[(4)]—the results of a sampling and analysis representative of daily operations:~~

~~(a)—performed in accordance with approved techniques set out in 40 CFR Part 136; and~~

~~(b)—if required by an applicable pretreatment standard or the director, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:~~

~~(i)—instantaneous;~~

~~(ii)—daily maximum; and~~

~~(iii)—average concentration or mass.]~~

(C) The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(D) New source users shall include with the report a description of the pretreatment method the user intends to use to meet applicable pretreatment standards.

PART 26. Section 15-10-155 (*Information Required from a Person Subject to Categorical Pretreatment Standards*) of the City Code is amended to read:

§ 15-10-155 INFORMATION REQUIRED [FROM A PERSON SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS] FOR SIGNIFICANT INDUSTRIAL USER REPORTS.

~~[Existing or new source categorical users shall submit the following information to the director in reports under this article]~~ The information listed in (1) through (11) of this section shall be submitted to the director for the reports required under Sections 15-10-153 (*Baseline Monitoring Report from Existing Categorical User*) and 15-10-154 (*Baseline Monitoring Report from New Source Categorical User*). The information listed in (5) through (11) of this section shall be submitted to the director for the reports required under Sections 15-10-157 (*Categorical Pretreatment Standard Compliance*) and 15-10-158 (*Periodic Reports*). Required information includes:

- (1) the name and address of the facility;
- (2) the name of the owner, operator, or manager of the facility;
- (3) a list of environmental control permits held by or for the facility;
- (4) a brief description of the nature, average rate of production, and standard industrial classification or North American Industry Classification System classification of the operation conducted by the user including a schematic process diagram that indicates points of discharge to the POTW from the regulated process;
- (5) information showing the measured average daily and maximum daily flow in gallons per day to the POTW from regulated process and ~~[other wastewater sufficient to allow calculation of]~~ streams as necessary to allow use of the combined waste stream formula set out in 40 CFR Section 403.6(e);
- (6) measurement of pollutants;
- (7) identification of the categorical pretreatment standards applicable to the regulated process;
- (8) ~~[the results of a]~~ sampling and ~~[analysis]~~ analytical data representative of daily operations:

~~[(a)] performed in accordance with [approved techniques set out in 40 CFR Part 136; and]~~ approved methods. This shall include:

(a) identification of the nature and concentration or mass of regulated pollutants in the discharge from the regulated process

~~[(b)]~~ if required by an applicable pretreatment standard or the director, ~~[identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process]~~ including:

- (i) instantaneous;
- (ii) daily maximum; and
- (iii) average concentration or mass;

(b) all sample records including:

- (i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) the dates analyses were performed;
- (iii) who performed the analyses;
- (iv) the analytical techniques and methods used; and
- (v) the results of such analyses;

(9) ~~[a statement reviewed by its authorized representative and certified to by a qualified technician indicating:]~~ in cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to demonstrate the compliance status of the user;

(10) a statement reviewed by its authorized representative and certified to by a qualified technician indicating:

- (a) that the user meets pretreatment standards on a consistent basis; or
- (b) if the user does not meet pretreatment standards, additional operation and maintenance or additional pretreatment necessary to meet the pretreatment standards and requirements; and

~~(10)~~ (11) a compliance schedule, if applicable.

PART 27. Subsection (B) of Section 15-10-157 (*Categorical Pretreatment Standard Compliance*) of the City Code is amended to read:

(B) A report filed under this section ~~must contain:~~

- ~~[(1) information showing the measured average daily and maximum daily flow in gallons per day to the POTW from a regulated process and other wastewater sufficient to allow calculation of alternate limits using the combined waste stream formula set out in 40 CFR Section 403.6(e);~~
- ~~(2) measurement of pollutants;~~
- ~~(3) identification of the categorical pretreatment standards applicable to the regulated process;~~
- ~~(4) the results of a sampling and analysis representative of daily operations:~~
 - ~~(a) performed in accordance with approved techniques set out in 40 CFR Part 136; and~~
 - ~~(b) if required by an applicable pretreatment standard or the director, identifying the nature and concentration or mass of regulated pollutants in the discharge from the regulated process including:~~
 - ~~(i) instantaneous;~~
 - ~~(ii) daily maximum; and~~
 - ~~(iii) average concentration or mass; and~~
- ~~(5) a statement reviewed by its authorized representative and certified to by a qualified technician indicating:~~
 - ~~(a) that the user meets pretreatment standards on a consistent basis; or~~
 - ~~(b) if the user does not meet pretreatment standards, additional operation and maintenance or pretreatment necessary to meet the pretreatment standards and requirements.]~~

shall include the information required in Section 15-10-155 (*Information Required for Significant Industrial User Reports*) using samples collected in accordance with Section 15-10-182 (*Required Sample Collection Techniques*).

PART 28. Section 15-10-158 (*Periodic Reports*) of the City Code is amended to read:

§ 15-10-158 PERIODIC REPORTS.

- (A) A significant industrial user subject to a pretreatment standard shall submit to the director a written, signed and certified report at least twice each calendar year on the dates specified by the director.
- (B) A report under this section shall include the information required in Section 15-10-155 (*Information Required [~~From a Person Subject to Categorical Pretreatment Standards~~] for Significant Industrial User Reports*) and Section 15-10-182 (*Required Sample Collection Techniques*).
- (C) The director may require a person who generates waste discharged, deposited or otherwise received for treatment at the POTW to report:
 - (1) the nature and concentration of pollutants in the discharge;
 - (2) the origin of the waste; and
 - (3) other information as the director considers necessary to identify and process the waste or to protect the POTW.
- (D) If the director imposes mass limitations on ~~an~~ a user under 40 CFR Section 403.6 (d), the user shall include the mass of pollutants in the user's discharge regulated by the pretreatment standards in the periodic report required under this section.
- (E) If the director has imposed equivalent mass or concentration limits on ~~an~~ a user under 40 CFR Section 403.6(c), the user shall include a reasonable estimate of the user's long-term

production rate in the periodic report required under this section.

- (F) Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge for each unit of production or other measure of operation, shall include the user's actual average production rate for the reporting period in the periodic report required in this section.
- (G) Users that send electronic documents to the director to satisfy the requirements of this section must certify and submit each report in compliance with:
 - (1) an electronic signature agreement on file with the director; and
 - (2) all other procedures and requirements of an electronic document receiving system authorized to accept such records in accordance with 40 CFR Part 3.

PART 29. Subsection (A) of Section 15-10-165 (*Records Retention*) of the City Code is amended to read:

- (A) A person discharging wastewater containing industrial waste or other prohibited waste to the POTW or disposing of waste off-site shall retain and make available for inspection and copying by the director all records and information required under this chapter, including documentation associated with best management practices established under Section 15-10-60 (*Best Management Practices*). Such records shall include for all samples:
 - (1) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (2) the dates analyses were performed;
 - (3) who performed the analyses;
 - (4) the analytical techniques and methods used; and
 - (5) the results of such analyses.

PART 30. The City Code is amended to add a new Section 15-10-167 to read:

§ 15-10-167 PERIODIC CERTIFICATION BY NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USERS.

The authorized representative for a facility determined to be a non-significant categorical industrial user by the director pursuant to Subsection 15-10-111(D) must sign the following certification as part of a periodic report submitted at least once per calendar year to the director:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR_____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____[months, days, year]:

(A) The facility described as _____[facility name] met the requirements of the director’s determination under Subsection 15-10-111(D) that the facility is a non-significant categorical industrial user;

(B) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(C) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

(D) This compliance certification is based on the following information:

_____.”

PART 31. Section 15-10-182 (*Required Sample Collection Techniques*) of the City Code is amended to read:

§ 15-10-182 REQUIRED SAMPLE COLLECTION TECHNIQUES.

(A) Except as otherwise provided in this section or by applicable federal, state, or local law, ~~[a person that discharges wastewater containing industrial waste or other prohibited waste must collect a wastewater sample using flow proportional composite collection techniques.]~~ a

person must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the director and documented in the file for that facility or facilities, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures may be authorized by the director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- (B) ~~[If the director determines that flow proportional sampling is not feasible, the director may authorize the use of:~~
- ~~(1) — time proportional sampling;~~
 - ~~(2) — sampling of a minimum of four grab samples; or~~
 - ~~(3) — other applicable approved sampling procedure provided that the procedure collects a representative sample of the discharged effluent]~~

Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- (C) ~~[A person shall use grab collection techniques to obtain samples of fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals.]~~ For sampling required in support of the reports required in Sections 15-10-153 (*Baseline Monitoring Report from Existing Categorical User*), 15-10-154 (*Baseline Monitoring Report from New Source Categorical User*) and 15-10-157 (*Categorical Pretreatment Standard Compliance*), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which there is

historical sampling data representative of effluent being discharged, the director may authorize a lower minimum. For the reports required by Section 15-10-158 (*Periodic Reports*), the significant industrial user, whether categorical or non-categorical, is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

PART 32. Section 15-10-184 (*Sampling Requirements*) of the City Code is amended to read:

§ 15-10-184 SAMPLING REQUIREMENTS.

- (A) A person shall use wastewater samples representative of actual discharge as the basis of a periodic report filed with the director.
- (B) A person shall maintain and operate wastewater monitoring and flow measurement facilities in good working order. A user may not submit a sample result that is not representative of an operation's discharge based on the user's failure to keep its monitoring facility in good working order. A user's failure to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (C) A person subject to ~~[categorical]~~ reporting requirements under this article shall include the results from all approved methods used to monitor a pollutant in the periodic report to the director, including results obtained by monitoring conducted more frequently than required by the director.

PART 33. Section 15-10-191(*Definitions*) of the City Code is amended to amend (2), the definition of "Approved Liquid Waste" to read:

- (2) APPROVED LIQUID WASTE means liquid waste approved by the director for disposal at an approved receiving station operated by the City including:
 - (a) septic tank waste;
 - (b) chemical toilet waste;

(c) waste activated sludge from facilities pre-approved by the director; and

(d) other liquid waste approved by the director.

PART 34. Section 15-10-192 (*Restrictions on Discharge of Liquid Waste*) of the City Code is amended by adding new Subsections (C), (D), and (E) to read:

- (C) A person shall adhere to all receiving station rules in conjunction with any discharge of liquid waste to a City owned or operated approved receiving station.
- (D) Except as otherwise allowed by the director, a person shall first obtain discharge authorization from the receiving station attendant prior to any discharge of liquid waste to a City owned or operated approved receiving station.
- (E) A person discharging or disposing of liquid waste to a City owned or operated approved receiving station shall only use vehicles with waste load tanks that have never been used to collect or transport waste from a grit trap or hold-haul tank, unless:
 - (1) the vehicle's waste load tank has been thoroughly cleaned subsequent to the most recent load of waste from a grit trap or hold-haul tank; and
 - (2) the person has adequately verified and demonstrated to the director that, subsequent to the required cleaning, the waste load tank contained no pollutants in excess of federal, state, or local discharge standards.

PART 35. Subsection (A) of Section 15-10-193 (*Offenses*) is amended to read:

- (A) A person commits an offense under this article if the person:
 - (1) discharges or disposes of liquid waste at a location other than an approved receiving station;
 - (2) discharges or disposes of liquid waste, other than approved liquid waste, at a City owned or operated approved receiving station;

- (3) discharges or disposes of liquid waste at a City owned or operated approved receiving station [~~more than four days after the date of a manifest indicating receipt from a generator;~~] and:
 - (a) fails to comply with receiving station rules; or
 - (b) fails to obtain discharge authorization from the director or receiving station attendant;
- (4) transfers liquid waste without accurately documenting the transfer on a manifest from:
 - (a) one vehicle to another;
 - (b) a mobile storage tank to a vehicle; or
 - (c) a fixed storage tank to a vehicle;
- (5) discharges hazardous waste or liquid waste containing pollutants in violation of federal, state, or local law;
- (6) discharges waste from grease traps, grit traps, or hold haul tanks that has been commingled with sewage, septic tank waste, activated sludge, or chemical toilet waste to a City owned or operated approved receiving station;
- (7) discharges to the POTW or sanitary sewer liquid waste not documented by a manifest as required by local and state health regulations;
- (8) possesses or presents a false manifest, chemical analysis, list of industrial contributors, or other document to obtain approval for discharge or disposal of liquid waste;
- (9) discharges waste from a grit trap, grease trap, or hold haul tank to:
 - (a) the POTW;
 - (b) the City's sanitary sewer system;
 - (c) the POTW's wholesale wastewater customers; or
 - (d) a City owned or operated approved receiving station;

- (10) discharges hazardous waste at a receiving station not permitted to receive hazardous waste under the RCRA;
- (11) discharges liquid waste collected from one or more generators into a service line, cleanout, [~~sampling~~] sample port, manhole, or other device that discharges into the POTW and is owned or operated by a third person;
- (12) discharges grease trap waste, grit trap waste, or other liquid waste removed from a grease trap or grit trap into the device from which it was removed or any other device; [~~or~~]
- (13) discharges grease trap waste, grit trap waste, or other liquid waste that has been physically or chemically treated, separated, commingled with other liquid waste, or otherwise altered, into a grease trap, grit trap, or other device while or after the device is being serviced; or
- (14) discharges liquid waste at a City owned or operated approved receiving station using a vehicle that has previously been used to transport waste from a grit trap or hold haul tank without adequately cleaning, verifying, and demonstrating to the director that the vehicle contained only approved liquid waste prior to the discharge.

PART 36. Subsection (A) of Section 15-10-197 (*Requirements for Cleaning Grease Traps*) of the City Code is amended to read:

- (A) A person who discharges wastewater from a grease trap to the POTW shall:
 - (1) completely remove all fat, oil, or grease waste, other liquid waste, semi-solid or solid and residue from the grease trap when the grease trap is cleaned; [~~and~~]
 - (2) clean the grease trap the earlier of:
 - (a) at least every [~~three months~~] ninety days; or
 - (b) when 50 percent or more of the wetted height of the grease trap, as measured from the bottom of the grease

trap to the invert of the outlet pipe, contains grease and solids;

- (3) use a liquid waste hauler permitted by the director to remove the grease trap waste; and
- (4) document the removal of the hauled liquid waste from the grease trap using a manifest approved by the director.

PART 37. Subsection (A) of Section 15-10-198 (*Requirements for Cleaning Grit Traps*) of the City Code is amended to read:

- (A) A person who discharges wastewater from a grit trap to the POTW shall:
 - (1) completely remove all oil and grease waste, other liquid waste, semi-solid, or solid and residue from the grit trap when the grit trap is cleaned;
 - (2) use a liquid waste hauler permitted by the director to remove the grit trap waste; and
 - (3) document the removal of the hauled liquid waste from the grit trap using a manifest approved by the director.

PART 38. The title of Title 15, Chapter 10, Article 11 is amended to read:

ARTICLE 11. ~~[MANHOLE]~~ SEWER ACCESS REQUIREMENTS.

PART 39. Section 15-10-221 (*Definitions*) of the City Code is amended to read:

- (1) BUILDING TAP means the point of connection between a ~~[building sewer main]~~ private lateral and a wastewater service connection.
- ~~[(2) CONTROL MANHOLE means an access into a building sewer located on private property at or near a building tap.]~~
- ~~[(3)]~~2) CUSTOMER means:

- (a) a person provided with utility service by the City at a specified service address;
 - (b) an owner of property connected to the City's utility service at a specified service address; or
 - (c) a person who receives the benefit of the City's utility service.
- (3) LARGE-DIAMETER CLEANOUT means an access into a building sewer located at or near a building tap that would allow inspection and maintenance of the wastewater service connection.
- (4) PRIVATE LATERAL has the meaning assigned in Section 15-11-2 (*Definitions*).
- ~~((4)5)~~ ~~[MINI-MANHOLE]~~ SAMPLE PORT means an access into ~~[the City sewer system located on a wastewater service connection]~~ either a public or private sewer system at a location that would allow inspection, flow monitoring and the collection of representative wastewater samples.
- ~~((5)6)~~ WASTEWATER MANHOLE means an access into the City sewer system located on a public sewer main.
- ~~((6)7)~~ WASTEWATER SERVICE CONNECTION means that part of the City sewer system extending from the building tap to the public sewer main.

PART 40. Section 15-10-222 (*Manhole Required*) of the City Code is amended to read:

§ 15-10-222 MANHOLE REQUIRED.

- (A) A customer shall construct a wastewater manhole ~~[on]~~ connecting the sewer system of a building, structure, facility, or installation ~~[built or modified to:]~~ in compliance with the City's Utilities Criteria Manual.
- ~~[(1)—discharge a pollutant required to be permitted under this chapter;~~

- ~~(2) — contain more than 15 dwelling units or guest units;~~
- ~~(3) — be served by a water meter greater than two inches in diameter;~~
~~or~~
- ~~(4) — be served by a building sewer main greater than four inches in diameter.]~~

(B) A customer shall construct a wastewater manhole ~~[or mini-manhole]~~ at the customer's expense.

~~[(C) — A customer required by Subsection (A) to install a control manhole shall install the manhole at the customer's expense as part of the customer's plumbing system. A control manhole must be accessible to the utility at all times to allow maintenance of the wastewater service connection, discharge sampling, flow monitoring, and inspection.]~~

~~[(D)]~~(C) A wastewater manhole ~~[, mini-manhole, or control manhole]~~ constructed under this section must conform to standards and specifications approved by the director.

PART 41. Section 15-10-223 (*Alternate Construction*) of the City Code is amended to read:

§ 15-10-223 ~~[ALTERNATE CONSTRUCTION]~~ LARGE DIAMETER CLEANOUT REQUIRED.

- (A) ~~[The director may approve the construction of a control manhole or mini-manhole instead of a wastewater manhole if the director determines that the installation of a control manhole or mini-manhole provides the utility with sufficient access to maintain the wastewater service connection, monitor flow, sample building discharge, and conduct an inspection.]~~ A customer shall construct a large diameter cleanout on the sewer system of a building, structure, facility, or installation, built or modified to discharge wastewater required to be permitted under this chapter.
- (B) If installed on the City's side of the wastewater service connection, the large diameter cleanout constructed must conform to standards and specifications of the City's Utilities Criteria Manual.

(C) If installed on the private side of the wastewater service connection, the large diameter cleanout constructed must conform to standards and specifications of the City's Plumbing Code.

(D) A large diameter cleanout constructed under this section must be approved by the director.

PART 42. Section 15-10-224 (*Ownership and Maintenance*) of the City Code is amended to read:

§ 15-10-224 OWNERSHIP AND MAINTENANCE.

(A) A customer shall own and maintain a [~~control manhole~~] large diameter cleanout located on the private side of the wastewater service connection.

(B) The City shall own and maintain a wastewater manhole [~~or mini-manhole~~] or large diameter cleanout located on the City's side of the wastewater service connection when:

- (1) construction is completed;
- (2) the City accepts the wastewater manhole [~~or mini-manhole~~] or large diameter cleanout; and
- (3) the customer pays all inspection fees.

(C) A customer may access a [~~mini-manhole~~] large diameter cleanout to sample, maintain or inspect a building sewer.

PART 43. Section 15-10-225 (*Dedication of Wastewater Manhole*) of the City Code is amended to read:

§ 15-10-225 DEDICATION OF WASTEWATER MANHOLE OR LARGE DIAMETER CLEANOUT.

A customer shall:

- (1) deliver to the utility a bill of sale, assignment, or other instrument of transfer for the dedication of a wastewater manhole or [~~mini-manhole~~] large diameter cleanout located on the City's side of the wastewater service connection; and

- (2) assign to the City any warranties, guarantees, maintenance bonds, or assurances of performance related to a wastewater manhole or ~~[mini-manhole]~~ large diameter cleanout located on the City's side of the wastewater service connection.

PART 44. Section 15-10-226 (*Sampling Port or Control Manhole*) of the City Code is amended to read:

**§ 15-10-226 [SAMPLING] SAMPLE PORT [~~OR CONTROL MANHOLE~~]
REQUIRED.**

- (A) A person discharging or proposing to discharge wastewater ~~[containing prohibited waste to the POTW]~~ required to be permitted under this chapter shall install, operate and maintain a [sampling] sample port ~~[or control manhole]~~.
- (B) A person shall install, operate, and maintain a sample port in a manner satisfactory to the director.
- ~~[(B)]~~C) A person shall locate a [sampling] sample port ~~[or control manhole]~~ at or near the property line as approved by the director.
- ~~[(C)]~~D) A person shall locate a [sampling] sample port ~~[or control manhole]~~ on:
- (1) a common building drain line connected to the sanitary sewer;
 - (2) each drain line connected to the sanitary sewer, if the property has more than one drain line; or
 - (3) a drain line installed for collection of representative samples.
- ~~[(D)]~~E) A person shall submit plans for construction of a [sampling] sample port ~~[or control manhole]~~ to the director for review and approval before construction.
- ~~[(E)]~~F) A person shall operate and maintain a [sampling] sample port ~~[or control manhole]~~ in compliance with the manufacturer's specifications.
- ~~[(F)]~~G) A person shall allow the director access to a [sampling] sample port ~~[or control manhole]~~ for inspection, sampling, flow monitoring, and enforcement of this chapter.

PART 45. Section 15-10-227 (*Sample Port Required for Wastewater Manhole*) of the City Code is amended to read:

§ 15-10-227 [~~SAMPLE PORT REQUIRED FOR WASTEWATER MANHOLE~~] ALTERNATE CONSTRUCTION.

~~[The director may require a customer to install a sample port constructed in compliance with the requirements of this chapter if the customer discharges pollutants required to be permitted under this chapter]~~ The director may approve a wastewater manhole or large diameter cleanout as a sample port if installed in a location suitable to collect representative samples consistent with the purposes of this chapter.

PART 46. Section 15-10-271 (*Notice of Violation*) of the City Code is amended to read:

§ 15-10-271 NOTICE OF VIOLATION.

- (A) The director may serve a written or verbal notice of violation on a person the director determines has violated or is violating:
 - (1) this chapter;
 - (2) the conditions of a permit or order issued under this chapter; or
 - (3) other pretreatment standard or requirement.
- (B) A notice of violation shall describe the violation and ~~[state that, no later than the 14th day after receipt of the notice,]~~ instruct the person to take immediate corrective action to prevent a recurrence of the offense. A notice of violation may state that, no later than the date specified by the director, a person must provide to the director [with] an explanation of the violation and a plan for the ~~[satisfactory correction and prevention, including specific actions for correction]~~ specific actions to be taken to satisfactorily correct and prevent any recurrence of the violation.
- (C) A person who submits a proposed corrective plan under this section is not relieved of criminal or civil liability for a violation of this chapter. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

PART 47. Section 15-10-303 (*Affirmative Defense for Failure to Repair Wastewater Leak*) of the City Code is repealed.

PART 48. Section 15-10-311 (*Publication of Non-Compliant Users List*) of the City Code is amended to read:

§ 15-10-311 PUBLICATION OF NON-COMPLIANT USERS LIST.

(A) In this section, significant noncompliance for significant industrial users means those acts described in the following Subdivisions (1) through (8) of this subsection; for all other users other than significant industrial users, significant noncompliance means those acts described in the following Subdivisions (3), (4), and (8) of this subsection [means]:

- (1) chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of [wastewater] all the measurements taken for a the same pollutant parameter taken during a six month period exceed by any [amount] magnitude [the daily maximum limit or average limit for the pollutant parameter] a numeric pretreatment standard or requirement, including instantaneous limits;
- (2) technical review criteria violations, defined here as those in which 33 percent or more of wastewater measurements taken for [the] each pollutant parameter during a six month period equals or exceeds the product of the [daily maximum limit or the average limit] numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the following criteria:
 - (a) 1.4 for biochemical oxygen demand, total suspended solids, fat, oil and grease; and
 - (b) 1.2 for other pollutants except pH;
- (3) [discharge violations that the director believes have caused, alone or in combination with other discharges, interference or pass through;] any other violation of a pretreatment standard or requirement that the director determines has caused, alone or in combination with other discharges, interference or pass

through, including endangering the health of POTW personnel or the general public;

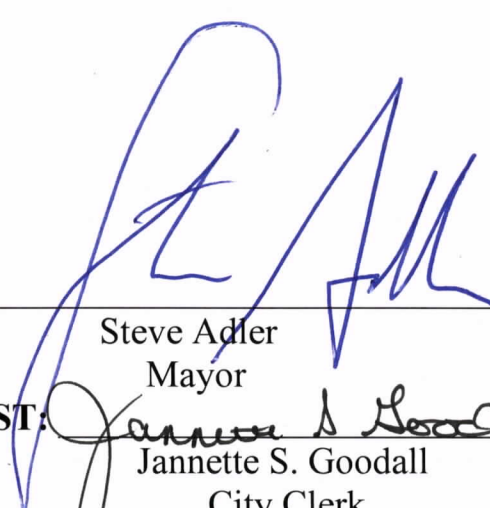
- (4) discharge of pollutants that has caused imminent endangerment to the public or to the environment, or that otherwise has resulted in the City's exercise of its emergency authority to halt or prevent the discharge;
 - (5) failure to meet, no later than the 90th day after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or otherwise attaining final compliance;
 - (6) failure to provide no later than the 30th day after the due date, a required report, including a baseline monitoring report, 90-day compliance report, periodic self-monitoring report, and a report on compliance with a compliance schedule;
 - (7) failure to accurately report noncompliance; or
 - (8) other violation, which may include a violation of best management practices, that the director determines has or may adversely affect the operation or implementation of the pretreatment program.
- (B) The director shall annually provide public notice of [~~publish public notification in the largest daily newspaper published in the City~~] a list of the users that the director has determined to be in significant noncompliance with applicable pretreatment requirements during the previous 12 months by publishing the list in a newspaper of general circulation in the City or alternatively, with the Approval Authority's permission, by means of electronic media intended to reach the largest number of members of the general public in the City.

PART 49. This ordinance takes effect on August 10, 2020.

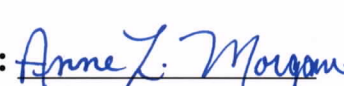
PASSED AND APPROVED


July 29, 2020


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Steve Adler
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

ATTEST: 
Jannette S. Goodall
City Clerk

by:  N. Thomas